

Department of the Army, DoD

§ 630.13

C, McPherson Building, 1425 K Street NW., Washington DC 20524. A point of contact in the provost marshal office must be provided for the U.S. State Department. The facsimile commercial telephone number is (202) 326-6271.

(f) Notifies USACIDC, local FBI office, and local and State law enforcement agencies of the soldier's absence to establish an investigative task force. The task force acts as the focal point in collecting and disseminating information obtained through investigative activity.

(g) Requests assistance from the nearest Air Force Office of Special Investigation (OSI) to determine if the absentee has been granted passage on a Military Airlift Command (MAC) Flight. Notification is also made to Headquarters, MAC, to deny passage on a MAC, flight by calling Office of Special Investigations, Scott Air Force Base, Illinois, DSN 576-5413 or commercial 618-256-5413.

(h) Transmits an electronic alert through the National Law Enforcement Telecommunications Systems (NLETS) to broadcast within the State, a specific State, and or regional broadcast (contiguous five States). NLETS messages must include the deserter's complete name, social security number, date and place of birth, physical description, and a statement that an entry has been made into the NCIC.

(i) Coordinates with the Office of the Staff Judge Advocate to obtain search warrants, court orders, or subpoenas for searches of the deserter's residence, financial, credit card, postal, telephone, insurance, housing utilities, civilian medical records, and access to commercial land, air and sea transportation records.

(j) Cancels the NCIC entry when notified by Chief, USADIP that the deserter packet has been received and the Chief, USADIP, is prepared to assume responsibility as the point of contact for verification of deserters.

§ 630.11 Escaped prisoner.

(a) An escaped prisoner whose discharge has not been executed is administratively classified as a deserter. The installation Provost Marshal—

(1) Requests assistance from civilian law enforcement agencies including the FBI.

(2) Forwards copies of DD Form 553 to Chief, USADIP, showing distribution with Item 10 marked "N/A."

(3) Enters a temporary warrant into the NCIC.

(b) An escaped military prisoner whose discharge has been executed and who is not under the custody of the U.S. Attorney General is reported as an escaped military prisoner, not a deserter. The custodian of an escaped military prisoner's personnel records prepares DD Form 553 clearly stating in items 12 and 19 that the individual is an escaped military prisoner. The DD Form 553 is sent to the installation provost marshal. A temporary warrant is entered into the NCIC by the installation provost marshal.

§ 630.12 USADIP procedures.

(a) The Chief, USADIP—

(1) Verifies information on the DD Form 553 with permanent personal records at the USAEREC.

(2) Enters the soldier's name into the NCIC.

(3) Forwards a copy of the DD Form 553 to all Federal, State and local law enforcement agencies who may be involved in the apprehension process.

(4) Forwards a copy of DD Form 553 to the provost marshal nearest the deserter's home of record.

(5) Forwards a copy of the DD Form 553 to the USACRC, ensuring the USACRC control number is legible.

(b) The Army entry into the NCIC wanted person file normally is generally sufficient to support civilian police apprehension assistance.

Subpart D—Return to Military Control

§ 630.13 AWOL/deserter apprehension efforts.

The return of absentees to military control is a command responsibility. Military police will generally not be committed to proactive efforts to apprehend AWOL soldiers or deserters except when the provost marshal determines that such efforts are warranted by specific circumstances. Examples of

instances when such effort is warranted include when the AWOL soldier or deserter is wanted as the subject of additional more serious charges or is a special category absentee as defined in § 630.8 of this part.

§ 630.14 Use of escorts.

(a) Commanders and provost marshals must ensure that the most economical and efficient means are used to return surrendered or captured absentees to their parent unit or personnel control facility as appropriate. For example, alternatives such as express mailing of DD Form 460 and a transportation request may be used instead of an escort if there is a reasonable expectation that the absentee will comply.

(b) The use of escorts should be considered if—

(1) There is not a reasonable expectation that the absentee will not comply.

(2) The absentee is a special category absentee IAW § 630.8 of this part.

(3) The absentee is pending serious criminal charges.

(4) The absentee is in the custody of a civilian law enforcement agency that is not willing to assist in processing the absentee by mail or similar means.

(c) When escorts are deemed necessary, consideration should be given to using noncommissioned officers from the parent unit before committing military police manpower.

§ 630.15 Verification of deserter status.

(a) When a person claims to be a deserter from the U.S. Army, the first receiving military authority must advise the person of his or her right per article 31 UCMJ and provide as much of the following data as possible to the provost marshal:

(1) Name.

(2) Social security number.

(3) Date and place of birth.

(4) Home of record.

(5) Date and place of enlistment, date of alleged absence, and unit of assignment.

(b) The provost marshal immediately completes a check of the NCIC and USADIP to confirm the deserter status. Deserter felon checks require:

(1) The full name of the person.

(2) Social security number.

(3) Date of birth.

(4) Place of birth.

(5) Military service number if different from the social security number.

(c) When necessary to establish identity at the request of the Chief, USADIP, the installation provost marshal forwards DD Form 369 (Police Record Check) with a complete set of fingerprints to the Commander, U.S. Army Enlisted Records Center, ATTN: PCRE-RD, Indianapolis, IN 46249-5301. The fingerprints must also be accompanied by DD Form 616 in quadruplicate. In Item 9 of the DD Form 616 note: "For Information Only—Fingerprints attached." The Chief, USADIP forwards the fingerprint record to the FBI Identification Division, Washington, DC 20537-8700 for fingerprint comparison and identification.

(d) In the event the status of the individual can not be immediately determined, the individual will not be detained. The Provost Marshal obtains information on how to contact the person once their status has been determined. On verification of status as absent or desertion, Chief, USADIP, provides instructions to the provost marshal returning the individual to military control.

§ 630.16 Surrender or apprehension on parent installation.

(a) The parent installation provost marshal—

(1) Verifies the deserter's military status IAW § 630.13 of this part.

(2) Coordinate between appropriate levels of command on RMC (time, date, and location).

(3) Initiates a reference blotter entry changing the absentee's status from deserter to return to military control.

(4) Prepares and submits DD Form 616 to Chief, USADIP. The USACRC control number assigned to the DD Form 553 is included in the remarks section of DD Form 616.

(5) Prepares DA Form 3975, 2804 (Crime Records Data Reference) and 4833. The USACRC control number assigned to the DD Form 553 is also used on these forms.

(6) Forwards the original DA Form 3975 and 2804 to the Director, USACRC.

(7) Forwards three copies of DA Form 4833, with an appropriate suspense